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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

DOCKETED

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MARC SPITZER, Chairman  
JIM IRVIN  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
MIKE GLEASON

AUG 12 2003

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ARIZONA CORPORATION COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF  
SUNRISE WELL ASSOCIATION, INC. FOR  
ADJUDICATION THAT IT IS NOT A PUBLIC  
SERVICE CORPORATION.

DOCKET NO. W-04154A-02-0848

PROCEDURAL ORDER

**BY THE COMMISSION:**

On November 14, 2002, Sunrise Well Association, Inc. ("SWA" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for adjudication that it is not a public service corporation under Arizona law.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the hearing in the above-captioned matter shall commence on November 13, 2003 at 1:30 p.m. or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that the Commission's Utilities Division Staff ("Staff") shall file a Staff Report and associated exhibits to be presented at the hearing on behalf of Staff on or before September 25, 2003.

IT IS FURTHER ORDERED that Applicant and any intervenors shall file any objections to the Staff Report and associated exhibits on or before October 23, 2003.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before October 13, 2003.

IT IS FURTHER ORDERED that objections to any motions to intervene must be filed by October 17, 2003.

IT IS FURTHER ORDERED that the Applicant shall provide public notice of the hearing in this matter in the following form and style:

**PUBLIC NOTICE OF HEARING ON THE**  
**APPLICATION OF SUNRISE WELL ASSOCIATION, INC.**  
**FOR ADJUDICATION THAT IT**  
**IS NOT A PUBLIC SERVICE CORPORATION**  
**Docket No. W-04154A-02-0848**

On November 14, 2002, Sunrise Well Association, Inc. ("Applicant") filed with the Arizona Corporation Commission ("Commission") an application for adjudication that it is not a public service corporation under Arizona law. If Applicant is adjudicated not to be a public service corporation, Applicant will not be required by the Commission to provide service under rates and charges and terms and conditions established by the Commission. The application is available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and at the offices of the Company, [Applicant insert address].

The Commission will hold a hearing on this matter beginning November 13, 2003 at 1:30 p.m., at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comment will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission, which motion shall be sent to Applicant or its counsel and to all parties of record, and shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of Applicant, a shareholder of Applicant, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to Applicant or their counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before October 13, 2003. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. Failure to intervene will not preclude any person from appearing at the hearing and making a statement for the record.

If you have any questions or concerns about this application or have any objections to its approval, or wish to make a statement in support of it, you may write the Consumer Services Section of the Commission at 1200 W. Washington St., Phoenix, AZ 85007 or call 1-800-222-7000 or appear at the hearing and provide comment.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shelly Hood, ADA Coordinator, voice phone number 602/542-3931, E-mail [shood@cc.state.az.us](mailto:shood@cc.state.az.us). Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that Applicant shall mail a copy of the above notice to each property owner in the requested adjudication area, and to each person with a sales contract pending to

1 purchase property in the requested adjudication area, by September 12, 2003.

2 IT IS FURTHER ORDERED that Applicant shall file certification of mailing as soon as  
3 practicable after the mailing has been completed but not later than September 19, 2003.

4 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing of same,  
5 notwithstanding the failure of an individual to read or receive the notice.

6 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
7 Communications) applies to this proceeding and shall remain in effect until the Commission's  
8 Decision in this matter is final and non-appealable.

9 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended  
10 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

11 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
12 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

13 DATED this 12<sup>th</sup> day of August, 2003.

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16   
17 TEENA WOLFE  
ADMINISTRATIVE LAW JUDGE

18 Copies of the foregoing mailed/delivered  
19 this 12 day of August, 2003 to:

20 David Nuffer  
21 SNOW NUFFER  
22 P.O. Box 400  
St. George, UT 84771  
Attorneys for Sunrise Well Association, Inc.

23 Lewis Peterson, President  
24 Sunrise Well Association, Inc.  
P.O. Box 2638  
25 Mesquite, NV 89024

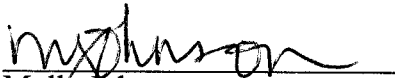
26 Christopher Kempley, Chief Counsel  
27 Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
28 Phoenix, Arizona 85007

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1 Ernest G. Johnson, Director  
2 Utilities Division  
3 ARIZONA CORPORATION COMMISSION  
4 1200 West Washington Street  
5 Phoenix, Arizona 85007

6 ARIZONA REPORTING SERVICE, INC.  
7 2627 N. Third Street, Suite Three  
8 Phoenix, Arizona 85004-1104

9 By:

10   
11 Molly Johnson  
12 Secretary to Teena Wolfe  
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